

PRO SE OFFICE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

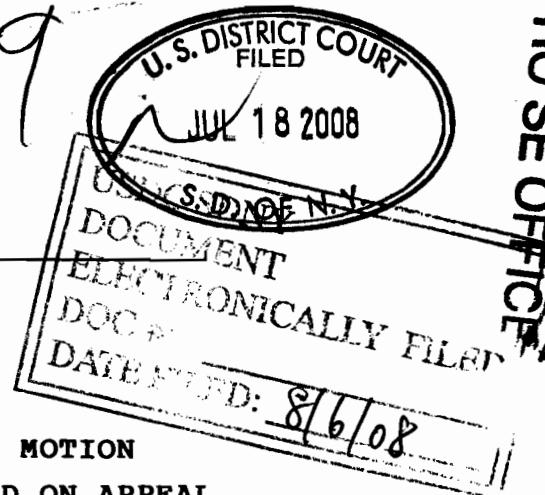
DEMETRIUS JENKINS,
Petitioner,

-against-

JAMES T. CONWAY, SUPERINTENDENT
OF ATTICA CORRECTIONAL FACILITY,
Respondent.

NOTICE OF MOTION
TO PROCEED ON APPEAL
IN FORMA PAUPERIS

Docket # 07-Civ.8263(AKH)



PLEASE TAKE NOTICE, that petitioner will move this court for an order allowing him to proceed on this Appeal under in forma pauperis status.

The motion is based upon the annexed Affidavit of Demetrius Jenkins who is the defendant in this matter and who is appearing pro-se.

This motion will be submitted to the court at a date and time to be set by the court at the United States Courthouse, at 500 Pearl Street, New York, New York. Oral argument is not requested.

DATED: Attica, New York

July 14, 2008

The motion is granted, but only to the extent of such proceedings as may be available in the Court of Appeals in the absence of a certificate of appealability. See Order, 6/19/08
8-6-08
Demetrius Jenkins

BY: DEMETRIUS JENKINS
Defendant, PRO-SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEMETRIUS JENKINS,

Petitioner,

-against-

**AFFIDAVIT IN SUPPORT
OF MOTION TO
PROCEED ON APPEAL IN
FORMA PAUPERIS
Docket # 07-Civ.8263(AKH)**

JAMES T.CONWAY,SUPERINTENDENT
OF ATTICA CORRECTIONAL FACILITY,

Respondent.

Appellant, Demetrius Jenkins, swear under penalty of perjury that because of my poverty and incarceration, I cannot pay for the Docket Fees on my Appeal under 28 U.S.C. §1915, and I believe that I am entitled to relief from the judgment under which I am presently incarcerated. I swear under penalty of perjury that my answers on this Affidavit are true and correct.(28 U.S.C. §1621).

Upon denial of my petition for a writ of Habeas Corpus, I intend to submit an application before the United States Court Of Appeals for the Second Circuit, and before I am entitled to make such application as a poor person, I must first apply to this court for relief in the nature of **In Forma Pauperis**.

My issues on appeal are that I am being illegally detained by virtue of a judgment of conviction that was had in violation of my Constitutional Rights, specifically, my right to a fair trial

which the trial court deined me by its interference into the examination of witnesses and my right to the effective assistance of counsel throughout my criminal prosecution for Murder in the Second Degree which I was sentenced to an aggregate term of imprisonment of from 25 years to life.

I am presently incarcerated at the Attica Correctional Facility, and enrolled in a vocational program for which I receive approximately \$10.00 dollars per week as an incentive.

In the past 12 months I have not received any income from any of the following resources:

- a. Business, profession or other self-employment;
- b. Rent payments, interest or dividends;
- c. Pensions, annuities or life insurance payments;
- d. Disability or workers compensation payments;
- e. Or any other sources, with the exception of an occasional small monetary gift from a family member or friend.

I do not have any savings, checking or other bank accounts.

I do not own any stocks, bonds, securities, or other financial instruments, automobiles or any other property of value.

I have no other person who are dependent upon me for support or maintenance.

I declare under penalty of perjury that the above information is true and correct.

Executed on this 14 day of July, 2008.

Demetrius Jenkins
Demetrius Jenkins